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CENTRAL FAX CENTER

SEP 15 2006 Patent
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REMARKS

Claims 9-12 and 23-26 are allowed. Applicant requests reconsideration of the rejection of Claims 15-22.

The present invention addresses issues involved with viewing options and data available to a user of a communication terminal such as a cell phone. These devices usually have limited screen space upon which to display the full gamut of options and data available to the user. Given that the area of communication terminals such as cell phones are extremely crowded, any small improvements may provide the crucial support for commercial success. The present invention seeks to provide such support.

"Thus when differences that may appear technologically minor nonetheless have a practical impact, particularly in a crowded field, the decision-maker must consider the obviousness of the new structure in this light."

Continental Can Co. USA Inc. v. Monsanto Co., 20 U.S.P.Q. 2d. 1746, 1752 (Fed. Cir. 1991).

The present invention allows users to easily view options and data available to the user of a communication device by automatically retrieving the data available for the user. This reduces the amount of steps necessary for a user to view and obtain data stored within the communication device. To achieve this, the present invention allows data to be displayed after a preset time has elapsed once an option has been highlighted without further input from the user. This lack of user input reduces the amount of small buttons that a user has to push and makes data retrieval more efficient.

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Aberg in Relation to Independent Claim 15

Aberg (WO Publication 00/55717, hereinafter "*Aberg*") seeks to solve the problem of customizing the menu options for easy remembrance of operations. It does not seek to solve the problem of automatically retrieving data for the user after a preset time has elapsed.

Although *Aberg* mentions "selecting" a setting item, the definition of "selecting" a setting item in *Aberg* is different from the present invention's "selection" of a setting item. *Aberg*'s "selection" of an item involves two steps: (1) the user pressing a key to scroll between items of interest; and then (2) pressing a key to display the data associated with the item. The present invention's "selection" of an item on the other hand involves only one step: the user only pressing a key to scroll between items of interest (See Page 13, Line 18 to Page 15, Line 15 of specification; Fig. 5). The data will then open up after a preset period of time. This is significant because it allows the user to read the data while pushing less buttons, thus saving him both time and energy.

Furthermore, *Aberg* does not disclose the feature of a pop-up screen displaying values associated with the option after a predetermined time. This feature of the present invention gives it an advantage over *Aberg*'s invention. For example, if there is a list of options, "A," "B," "C," etc., in order to view the data contained within option "A" a user of *Aberg*'s invention would have to push a button to view the data associated with "A." Now, if the user wanted to view the data associated within option "B," the user has to press another button to get to the menu displaying options "A," "B," "C," etc., press a button to scroll down to option "B" and then press another button to view the data associated with option "B." In the present invention, however, the user would highlight option "A" and then after a predetermined time has lapsed, a pop-up screen of the data associated with option "A" will appear. Then, if a person wanted to view

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option "B" he only has to move the cursor to option "B." Moving the cursor to option "B" will then start the timer and after a predetermined time has lapsed, the data associated with option "B" will be displayed in a pop-up screen.

As can be seen, the present invention discloses features not taught in *Aberg* and provides distinct advantages over *Aberg*'s invention.

Werkhoven in Relation to Independent Claim 15

Werkhoven (WO Publication 99/59097, hereinafter "*Werkhoven*") seeks to solve the problem of pushing Internet advertisements out to computer terminals. It does not seek to solve the problem of automatically retrieving data for the user after a preset time has elapsed.

While the present invention improves operability in terms of settings in the hierarchical menus, and provides a function for simplified checking of the data associated with options, the *Werkhoven* reference provides a function of supplying contents using a bidirectional computer system, and enabling confirmation that display of contents is complete.

In *Werkhoven*, after a predetermined time has passed, a pop-up screen is displayed on the user's computer. However, the user does not have to actively scroll between content before the screen is displayed (Page 2, Lines 34-38). In the present invention, on the other hand, the user must actively scroll between options in order for the data associated with the option to be displayed. This ensures that the user only receives a pop-up screen when he wants to see the data as opposed to *Werkhoven*'s invention which forces the advertisement onto the user.

Furthermore, in the *Werkhoven* invention when the user is on a website, the pop-up screen can open and close multiple times without any user action (Page 2 Lines 2-5). In the present invention, however, the pop-up screen will at most open and close once each without any user action.

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In addition, in *Werkhoven*, the information displayed in the pop-up screen is not already stored in the device. That is, the content comes from a foreign source immediately prior to being displayed (Page 1, Line 35 to Page 2, Line 5). In our present invention, however, the data is already stored within the device at some interval prior to being displayed.

As can be seen, the present invention discloses features not taught in *Werkhoven* and provides distinct advantages over *Werkhoven's* invention.

Tomita in Relation to Independent Claim 15

Tomita et al (Japanese Laid-Open Patent application 9-167188, hereinafter "*Tomita*") seeks to solve the problem of "provid[ing] a terminal which can more efficiently input the physical situation of a patient and which can easily grasp a part where the physical situation is generated." (See abstract). It does not seek to solve the problem of automatically retrieving data for the user after a preset time has elapsed.

In *Tomita*, a pop-up is displayed only when the user taps the screen with his stylus pen. (See abstract). Unlike the present invention, the pop-up screen does not automatically display after a predetermined period of time.

Furthermore, the pop-up appears only so that the user can enter information via a stylus pen. (See abstract). In the present invention, however, the pop-up discloses previously entered data associated with the option.

As can be seen, the present invention discloses features not taught in *Tomita* and provides distinct advantages over *Tomita's* invention.

Aberg in view of Werkhoven and Tomita in relation to Independent Claim 15

Aberg seeks to solve the problem of customizing the menu options for easy remembrance of operations, while *Werkhoven* seeks to solve the problem of pushing Internet advertisements

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out to computer terminals, and *Tomita* seeks to solve the problem of "provid[ing] a terminal which can more efficiently input the physical situation of a patient and which can easily grasp a part where the physical situation is generated." A person looking to customize cell phone menu options would not look to an invention regarding Internet advertisements or the input of medical information for inspiration on developing an easier menu access system which saves time and effort. Thus, these inventions have been improperly combined.

However, even if the inventions taught in *Aberg*, *Werkhoven*, and *Tomita*, were to be combined, however improperly, they would still not produce the present inventions. The result of combining *Aberg*, *Werkhoven*, and *Tomita*, would be a customizable computer menu option that allows the user to tap the screen with a stylus pen to display a pop-up screen to enter information while pop-up advertisements are displayed. The pop-up screen would still not automatically display with information associated with the menu option selected after a pre-determined time period.

Therefore, Applicant believes that the rejection on the basis of 35 U.S.C. §103(a) should be withdrawn.

Conclusion

In summary, independent Claims 15 and 19 define a control unit and a method that measures a time period that will display a "setting value" associated with a user input of selecting a setting item from a plurality of setting items.

In view of the advantages of the present invention in this relatively crowded field, it is respectfully submitted that Independent Claim 15 and Independent Claim 19, which is a method claim of Independent Claim 15 should be allowed. Also, Claims 16-18, and 20-22 should be

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allowed as they depend from Claim 15 or Claim 19. These are in addition to the previously indicated allowed Claims 9-12 and 23-26.

An early indication of allowance is respectfully requested.

If the Examiner believes a telephone interview will help further the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO at 571-273-8300 on September 15, 2006.

Very truly yours,

SNELL & WILMER L.L.P.

By: Sharon Farnum

Sharon Farnum

Signature

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Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
Telephone: (714) 427-7420
Facsimile: (714) 427-7799